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Legal Department File No. O. Diesel Oil/1952

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Section 2(b) of the Essential Supplies (Temporary Power) Act, 1946, Provides that 'foodcorps' shall include crops of sugarcane. 'Foodcrop' is not mentioned as an essential commodity in sub-section (a) of section 2 but section 3(2)(b) of the said Act provides that an order made under section 3(1)a may provide for bringing under cultivation any waste or arable land, whether appertenant to a building or not, for growing thereon foodcrops generally or of specified foodcrops and for otherwise maintaining or increasing the cultivation of foodcrops generally or of specified foodcrops. From this it appears that for regulating production of foodstuffs orders can be made for growing foodcrops or maintaining or increasing the cultivation of foodcrops generally or of specified foodcrops. It therefore appears that if provision is made in an order relating to diesel oil that such oil shall be obtained only under and in accordance with the condition of a permit issued by the Collector and if a condition is imposed that the diesel oil so obtained shall be used only for growing particular foodcrops and shall not be used for any other purpose, such an order would be quite legal and proper under the Essential Supplies (Temporary Powers) Act, 1946; But it would be advisable to issue such an order which would relate to diesel oil and incidentally to foodcrops by the State Government to whom delegation is made by the Central Government in respect of both the diesel oil and foodstuffs rather than by the District Magistrates who are authorised to make orders in respect of diesel oil only.

O/C Sd/-
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Additional Secretary to Government.

U.K. to G.S.D. No. G-23, dated the 12th January 1952.

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